

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL NO. 1456

Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO
State of Nevada v. Abbott Labs., Inc. et al.,
Case No. CV-2-00260 (Nevada I),

State of Nevada v. American Home Products,
et al., CA NO. 02-CV-12086-PBS (Nevada II),

State of Montana v. Abbott Labs., Inc., et al.,
Cause No. CV-02-09-H-DWM (D. Mont.)
02-CV-12086-PBS

Hon. Patti B. Saris

Chief Mag. Judge Marianne
B. Bowler

**DECLARATION OF MARK G. YOUNG IN OPPOSITION TO MONTANA'S AND
NEVADA'S MOTION FOR A PROTECTIVE ORDER RELATING TO DEFENDANTS'
SECOND SUBPOENA TO BLUE CROSS BLUE SHIELD OF MONTANA AND
DEPOSITION NOTICE TO MMCAP**

I, Mark G. Young, declare as follows:

1. I am associated with Patterson Belknap Webb & Tyler LLP and represent Johnson & Johnson, Centocor Inc., and Ortho Biotech Products L.P. in this litigation. I offer this declaration in opposition to Montana's and Nevada's motion for a protective order relating to Defendants' second subpoena to Blue Cross Blue Shield of Montana and deposition notice to MMCAP on behalf of all defendants in the above-captioned matters.

2. On June 7, 2006, Breckenridge, counsel for the State of Montana, contacted me, asking that I contact her to set up a time for a meet and confer about a motion Montana intended to make concerning the subpoena served on Blue Cross Blue Shield of Montana ("BCBSMT"). That day, I telephoned Ms. Breckenridge about setting up a meet and confer, as she had

requested. In addition to speaking about setting up a time to conduct a meet and confer, we also spoke about the contents of the subpoena and Montana's objections.

3. On June 7, 2006, I received an email from Ms. Breckenridge at 8:28 pm on June 12, 2006, in which she noted that the copy of the subpoena served on BCBSMT via Lexis/Nexis was incomplete. At 9:23 pm that same day, I emailed Ms. Breckenridge a copy of the missing page. In a subsequent telephone conversation, I explained to Ms. Breckenridge that the missing page was due to an inadvertent scanning error.

4. Attached as Exhibit 1 is a true and correct copy of a letter dated May 9, 2006, to Christopher Dillon, in which Ms. Breckenridge stated in response to defendants' request for claims data to support its *parens patriae* claims, "The *parens patriae* claims will be supported by defendants' own data."

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Mark G. Young
Mark G. Young

Executed on this 5th day of July 2006